

ENTERED

October 26, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GRAND PARKWAY SURGERY CENTER, §
LLC, §
§

Plaintiff, §
§

v. §

CIVIL ACTION NO. H-16-549

§
HEALTH CARE SERVICE CORPORATION, §
A MUTUAL LEGAL RESERVE COMPANY §
d/b/a BLUECROSS BLUESHIELD OF §
ILLINOIS, *et al.*, §
§

Defendant. §

ORDER

The court held an interim pretrial conference in this case on October 24, 2017. The court heard oral argument from counsel on a number of pending motions to dismiss and a discovery dispute. For the reasons stated in detail on the record, the motions are resolved as follows:

The motion to dismiss filed by the defendants Anthem, Inc. and Anthem Insurance Company, Inc. (AIC), (Docket Entry No. 204), is granted in part and denied in part. The motion to dismiss the parent corporation, Anthem, Inc. is granted with prejudice because amendment would be futile. The motion to dismiss the subsidiary, AIC, is denied.

The motion to dismiss the claims against the defendant Anthem Blue Cross, (Docket Entry No. 205), is denied. The plaintiff, Grand Parkway, must provide the defendant Anthem Blue Cross with the documents it received in response to its subpoena.

The motions to dismiss filed by Blue Cross and Blue Shield of Georgia, (Docket Entry No. 207), and Community Insurance, Inc., (Docket Entry No. 209), are granted with leave to amend as

to claims number 48, 49, 116, 118, and 120. The motions to dismiss claims 47, 50, 138, and 139, for which the plaintiffs provided the defendants with the information, but the defendants could not locate the claims, are granted. The defendants, Blue Cross and Blue Shield of Georgia and Community Insurance, Inc., will provide the plaintiff Grand Parkway with information about which entity administered the specific claims during the relevant period, to the extent they have that information, within 30 days. The plaintiffs may file an amended complaint within two weeks of receiving that information.

The motion to dismiss count 2 filed by the defendant, Health Care Service Corporation, (Docket Entry No. 222), is granted with prejudice and without leave to amend.

The court heard argument on a discovery dispute. The parties are ordered to produce and exchange the documents they each assert show whether the insurer did or did not identify to the plaintiff the basis for an “allowable amount” payment determination when a claim was paid only in part or denied. The parties must exchange these documents no later than **November 7, 2017**. The parties will appear at a hearing to address the discovery issue on **November 20, 2017 at 4:00 p.m.** in Courtroom 11D.

SIGNED on October 26, 2017, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge